

DOCKET NO: 282530US8

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF : DATE ALLOWED: MAY 22, 2009
DAVID W. TREPESS, ET AL. : EXAMINER: LONG, ANDREA NATAE
SERIAL NO: 10/664,299 :
FILED: SEPTEMBER 17, 2003 : GROUP ART UNIT: 2175
FOR: INFORMATION STORAGE AND :
RETRIEVAL

PETITION UNDER 37 C.F.R. § 1.181

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

Applicants herein petition the Commissioner to invoke his supervisory authority to require the examiner to consider the references cited in the Information Disclosure Statement filed on July 15, 2009.

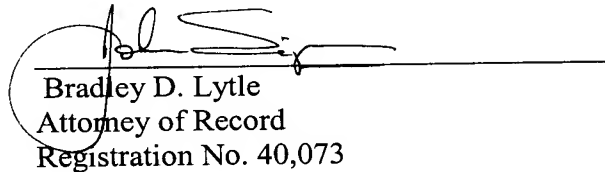
Information Disclosure Statement in conformity with the requirements of 37 C.F.R. §1.97-1.98 was filed on July 15, 2009. The above-referenced application has been allowed. Reference AO cited in the former Information Disclosure Statement was crossed out by the examiner for not having an English translation of the statement of relevancy. However, a Japanese Office Action with an English translation citing this document and its relevancy was enclosed with the Information Disclosure Statement. Copies of the Information Disclosure Statement, the Japanese Office Action and its English translation may be found in PAIR as NPL Document. Such an Office Action with indication of relevance of the document and its English translation satisfies the requirement of submitting a concise explanation of relevancy (see MPEP 609.04(b)).

37 C.F.R. §1.181(a)(3) allows petition to invoke the supervisory authority of the Commissioner in appropriate circumstances. Accordingly, it is respectfully submitted that this Petition under 37 C.F.R. §1.181 be granted and that the Examiner consider the Information Disclosure Statement filed July 15, 2009, and reference AO cited therein.

Although Applicants do not believe that any fee is required for the present petition, any required fee should be charged to our Deposit Account No. 15-0030.

Respectfully submitted,

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